

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MARCUS ANDERSON

PETITIONER

V.

NO. 3:23-CV-24-DMB-RP

STATE OF MISSISSIPPI, et al.

RESPONDENTS

ORDER DISMISSING CASE

On or about January 31, 2023, Marcus Anderson commenced this action in the United States District Court for the Northern District of Mississippi by filing a pro se “Motion for Declaratory Judgment,” listing as respondents “State of Mississippi,” “Commissioner Cain, Burl,” and “Mississippi Dept. of Corrections.” Doc. #1. On March 1, 2023, the Court entered an order directing Anderson to “within twenty-one (21) days … clarify the authority under which he asserts his claims and the relief he seeks.” Doc. #3 at 2. Anderson acknowledged he received the order on March 14, 2023. Doc. #4. Approximately a week later, Anderson filed “Petitioners Motion to Clarify Authority or Statute.” Doc. #5.

On June 12, 2024, noting that Anderson “clarified that he wished to proceed with this case as a civil action under 42 U.S.C. § 1983,” that “[o]n May 8, 2024, the Clerk of the Court forwarded [Anderson] the proper forms to proceed in a § 1983 case, along with a request to proceed as a pauper, with instructions to complete and return those standard forms,” and that Anderson had not completed and returned the forms, United States Magistrate Judge Roy Percy ordered Anderson to show cause within twenty-one days why this case should not be dismissed under Federal Rule of Civil Procedure 41(b) for want of prosecution. Doc. #6. Anderson did not respond to the June 12 order.

On September 13, 2024, Judge Percy again ordered Anderson to show cause within twenty-

one days why this case should not be dismissed for the same reasons stated in the June 12 order, noting Anderson's June 17 notice that he had been relocated to a different institution¹ and that Anderson had not acknowledged receipt of the June 12 order. Doc. #8. Anderson did not respond to the September 13 order.

Given Anderson's failure to comply with this Court's orders and his failure to prosecute, pursuant to Rule 41(b), this case is **DISMISSED without prejudice**

SO ORDERED, this 5th day of November, 2024.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ Doc. #7.